

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6030

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EMILIO BAUTISTA-TERAN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Cameron McGowan Currie, District Judge. (3:07-cr-00177-CMC-6; 3:09-cv-70068-CMC)

Submitted: May 22, 2013

Decided: June 24, 2013

Before NIEMEYER, KEENAN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Emilio Bautista-Teran, Appellant Pro Se. Jimmie Ewing, Mark C. Moore, Stanley D. Ragsdale, Assistant United States Attorneys, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emilio Bautista-Teran seeks to appeal the district court's order dismissing his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2012). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

When the United States or its officer or agency is a party, the notice of appeal must be filed no more than sixty days after the entry of the district court's final judgment or order, Fed. R. App. P. 4(a)(1)(B), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5), or reopens the appeal period under Fed. R. App. P. 4(a)(6). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." Bowles v. Russell, 551 U.S. 205, 214 (2007).

The district court's order was entered on the docket on November 12, 2009. The notice of appeal was filed on December 20, 2012. See Houston v. Lack, 487 U.S. 266 (1988). Because Bautista-Teran failed to file a timely notice of appeal or obtain an extension or reopening of the appeal period, we dismiss the appeal. To the extent Bautista-Teran moves for authorization pursuant to 28 U.S.C. § 2244 (2006) to file a successive § 2255 motion, such motion is denied. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before this Court and argument would not aid the decisional process.

DISMISSED